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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,710	12/14/2001	Jan Bertrem	CM2147M	9841

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EXAMINER

MRUK, BRIAN P

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,710

Applicant(s)

BERTREM ET AL.

Examiner

Brian P Mruk

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 8 and 16-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-8 and 16-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

26

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 25, 2005 has been entered.
2. This Office action is in response to Applicant's amendment filed January 25, 2005. Applicant has amended claims 1-4, 7-8, 20-23, and 28-29. Claim 9 has been cancelled. Currently, claims 1-4, 7-8 and 16-29 remain pending in the application.
3. The text of those sections of Title 35 U.S. Code not included in this action can be found in the prior Office actions, Paper Nos. 6, 12 and 20041013.
4. The rejection of claims 1-4, 7-8 and 16-29 under 35 U.S.C. 112, second paragraph, is withdrawn in view of applicant's amendments and remarks.
5. The rejection of claims 1-4, 7-8 and 19 under 35 U.S.C. 103(a) as being unpatentable over Pace et al, EP 919,610, is maintained for the reasons of record.

Art Unit: 1751

6. The rejection of claims 1-4, 7-8 and 19 under 35 U.S.C. 103(a) as being unpatentable over Willey et al, WO 97/33963, is maintained for the reasons of record.

7. The rejection of claims 1-4, 7-8 and 19 under 35 U.S.C. 103(a) as being unpatentable over Aronson et al, U.S. Patent No. 4,368,146, is maintained for the reasons of record.

8. The rejection of claims 1-4, 7-8 and 16-29 under 35 U.S.C. 103(a) as being unpatentable over Gordon et al, EP 859,045, is maintained for the reasons of record.

Response to Arguments

9. Applicant's arguments filed January 25, 2005 have been fully considered but they are not persuasive.

Applicant argues that Pace et al, EP 919,610, requires an acid and a polysaccharide polymer in their composition, whereas the instant invention does not require these components (i.e. with the transitional phrase "consisting essentially of"). However, the examiner asserts that applicant has not met the burden of showing that these additional components would materially change the characteristics of applicant's invention, as required in *MPEP 2111.03*. Therefore, since applicant's invention does not exclude acids and polysaccharides, and because applicant's specification discloses that the compositions of the instant invention may include various optional ingredients

Art Unit: 1751

(see page 7 of the instant specification), the examiner asserts that the instant claims are rendered obvious in view of Pace et al, EP 919,610.

Applicant further argues that Willey et al, WO 97/33963, requires a hydrophobic solvent and a detergent surfactant in their composition, whereas the instant invention does not require these components (i.e. with the transitional phrase "consisting essentially of"). However, the examiner asserts that applicant has not met the burden of showing that these additional components would materially change the characteristics of applicant's invention, as required in *MPEP 2111.03*. Therefore, since applicant's invention does not exclude hydrophobic solvents and detergent surfactants, and because applicant's specification discloses that the compositions of the instant invention may include various optional ingredients (see page 7 of the instant specification), the examiner asserts that the instant claims are rendered obvious in view of Willey et al, WO 97/33963.

It is further argued by applicant that Aronson et al, U.S. Patent No. 4,368,146, does not teach or disclose a cleaning composition for cleaning the exterior surface of a vehicle, as required in the instant claims. However, the examiner asserts that the phrase "a cleaning composition for cleaning the exterior surface of a vehicle" appears in the preamble, and thus, is not accorded any patentable weight, since it does not breathe life and meaning into the claim. See *MPEP 2111.02*. Therefore, the examiner asserts that the instant claims are rendered obvious in view of Aronson et al, U.S. Patent No. 4,368,146.

Art Unit: 1751


Applicant further argues that Gordon et al, EP 859,045, requires an anti-resoiling ingredient in their composition, whereas the instant invention does not require this component (i.e. with the transitional phrase "consisting essentially of"). However, the examiner asserts that applicant has not met the burden of showing that this additional component would materially change the characteristics of applicant's invention, as required in *MPEP 2111.03*. Therefore, since applicant's invention does not exclude anti-resoiling ingredients, and because applicant's specification discloses that the compositions of the instant invention may include anti-resoiling ingredients (see page 7 of the instant specification), the examiner asserts that the instant claims are rendered obvious in view of Gordon et al, EP 859,045.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



Brian Mruk
March 24, 2005



Brian P. Mruk
Primary Examiner
Tech Center 1700